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at the time of the detection of the call signal, and selecting one of the first and second communication protocols to be executed in accordance with the read information of the communication system.

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REMARKS

This application has been carefully reviewed in light of the Office Action dated November 13, 1996. Claims 1-10 remain pending, with Claims 1 and 6 having been amended in terms which more clearly define the present invention. Claims 1 and 6 are independent. Favorable reconsideration is requested.

In the Office Action, Claims 1-10 were rejected under 35 U.S.C. § 103 over U.S. Patent No. 5,471,522 (Sells et al.) in view of U.S. Patent No. 5,307,159 (Yoshida) and U.S. Patent No. 5,199,071 (Abe et al.).

As shown above, Applicant has again amended independent Claims 1 and 6 in terms which more clearly define the present invention, and submits that the amended claims are patentably distinct from the cited prior art for the following reasons.

The present invention as defined in amended independent Claim 1 is directed to a communication apparatus having two data modems each for communicating image data and two protocol modems, and which is capable of executing plural kinds of communication protocols using these modems. More

specifically, as shown above, Claim 1 has been amended to recite that the communication protocols include a first communication protocol for setting an operation mode of the first data modem to communicate image data by using the first protocol modem to communicate protocol signals, and a second communication protocol for setting the second data modem to communicate image data by using the second protocol modem to communicate protocol signals.

The apparatus then further includes a first detection means which detects a call signal, and a second detection means which detects information of a partner station sent between call signals. A memory means stores information of a communication system of the partner station in association with the information of the partner station. A reading means reads the information of the communication system for detected information of the partner station from the memory means in accordance with the information of the partner station detected by the second detection means at the time of the detection of the call signal, and selects one of the first and second communication protocols to be executed in accordance with the read information of the communication system.

Amended independent Claim 6 is a method claim corresponding to amended Claim 1.

Sells et al. is directed to telephone line sharing for a computer system. As understood by Applicant, Sells et

al.'s apparatus selects one of a facsimile application program (fax mode), a voice application program (voice mode) and a data application program (data mode). Each mode transmits a different type of data, and only one (fax) transmits image data. Thus, Sells et al. fails to teach or suggest two data modems for transmitting the same type of data, or more specifically image data, as now recited in amended Claim 1.

Abe et al. is directed to a modem mode matching method with PBX dial-in. As understood by Applicant, in Abe et al., when an answering side detects an extension specifying signal from the calling side, one of a plurality of operation modes (i.e. operation forms determined by a communication area, coding format, synchronizing format etc.) is selected to match the operation of the answering side modem to that of the calling side modem. Again, however, Applicant has failed to find in Abe et al. any teaching or suggestion of two data modems for transmitting the same type of data, or more specifically image data, as now recited in amended Claim 1.

Yoshida was cited as teaching a protocol modem separate from the data modem, and thus fails to remedy the above-noted deficiencies of Sells et al. and Abe et al. as references against the amended claims.

Accordingly, amended Claims 1 and 6 are believed to be patentably distinguished from the prior art of record, taken separately or together.

The other claims in this application are each dependent from one or another of the independent claims discussed above, and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration or reconsideration, as the case may be, of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 758-2400. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

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